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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|--------------------------|---|----------------------------------------------|
| UNITED STATES OF AMERICA |) | NO. CR-21-MJ-71580 |
| |) | |
| v. |) | STIPULATION AND PROPOSED ORDER TO |
| |) | EXCLUDING TIME FROM SPEEDY TRIAL ACT |
| BRIAN PECH, |) | |
| |) | |
| Defendant. |) | |

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The defendant was arraigned on the criminal complaint on October 6, 2021, and was released from custody on Pretrial bond conditions ordered by the Honorable Virginia K. DeMarchi on October 8, 2021. At that time, with the agreement of the parties, the matter was continued to November 9, 2021, and time with respect to a speedy indictment was excluded until that date.

2. The parties appeared before Judge DeMarchi for a bail modification on November 2, 2021. At that time the parties sought to continue the scheduled November 9, 2021, court appearance until December 9, 2021. The parties represented that they are exploring a potential pre-indictment resolution of the case and need more time in that regard.

3. The Court granted the continuance and directed the government to prepare a stipulation and proposed order to document the exclusion of time from November 9 through December 9, 2021,

1 pursuant to the Speedy Trial Act and Rule 5.1 of the Federal Rules of Criminal Procedure. The parties
2 believe the exclusion of time is necessary for effective preparation of counsel, taking into account the
3 exercise of due diligence. The parties concur that granting the exclusion would allow the reasonable
4 time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C.
5 §3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion
6 of time for the purposes of effective preparation of counsel outweigh the best interests of the public and
7 the defendant in a speedy indictment and trial. 18 U.S.C. § 3161(h)(7)(A).

8 IT IS SO STIPULATED.

9
10 DATED: November 2, 2021

STEPHANIE M. HINDS
Acting United States Attorney

11
12 /s/
13 STEPHEN MEYER
Assistant United States Attorney

14
15 DATED: November 2, 2021

16 /s/
17 SEVERA KEITH
Counsel for the Defendant

[PROPOSED] ORDER

Based upon the parties Stipulation, THE COURT FINDS THAT the ends of justice are served by granting the parties' request to exclude time under the Speedy Trial Act and Rule 5.1 of the Rules of Criminal Procedure from November 9 through December 9, 2021, and outweigh the best interest of the public and the defendant in a speedy indictment and trial, and that failure to grant such an exclusion of time would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT the period from November 9, 2021, through December 9, 2021, is excluded from the otherwise applicable Speedy Trial Act computation relating to Speedy Indictment, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: November 9, 2021



HON. VIRGINIA K. DEMARCHI
United States Magistrate Judge